

UNITED STATES OF AMERICA,)
)
v.) ORDER
)
)
WILBERT DECOSTA GREAVES,)
Defendant)

use a prior conviction to enhance his sentence. Defendant suggests that both United States v. LaBonte, 520 U.S. 751 (1997), and United States v. Beasley, 495 F.3d 142 (4th Cir. 2007), support his argument that his offense level should have been determined by U.S.S.G. § 2D1.1, rather than the career offender guideline under § 4B1.1, because the government did not file the requisite notice under 21 U.S.C. § 851. In light of these two cases, defendant ultimately requests the court to re-sentence him “without the ‘career offender’ label.” The court, having addressed this issue on two prior occasions— in its rulings on the motion to vacate and the motion for a sentence reduction, declines to re-sentence defendant. (See 7/2/99 Ord., at 4–5; 12/15/10 Ord., at 1–2.)

Next, the court evaluates defendant’s motion to appoint counsel. Defendant merely states that because he is a layperson the court should appoint counsel to “to prevent the Court from being filled up with paperwork.” (Mot. at 2.) The Sixth Amendment guarantees that indigent defendants will have representation during the trial stage of their criminal proceeding and through their first appeal of right. Ross v. Moffitt, 417 U.S. 600, 610, 614 (1974) (citations omitted). After the first appeal of right, the court is not required to appoint counsel, nor is the defendant entitled to it. See id. at 610–11.

For the foregoing reasons, defendant’s motion to reconsider and to appoint counsel is DENIED.

This 29 April 2011.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is written over a horizontal line.

W. Earl Britt
Senior U.S. District Judge